

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

GREGORY LYNN NORWOOD, ) Case No. 07-CV-0057-WQH (JMA)  
Plaintiff, )  
v. ) **ORDER DENYING PLAINTIFF'S  
MOTIONS REQUESTING SERVICE  
UPON DEFENDANT R. TORRES**  
JEANNE WOODFORD, et al., ) [Docs. 71, 75]  
Defendants. )  
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On July 1, 2008 *nunc pro tunc* June 30, 2008, and on July 30, 2008 *nunc pro tunc* July 23, 2008, Plaintiff filed motions requesting service upon Defendant R. Torres [Docs. 71, 75]. Deputy Attorney General Sylvie P. Synder filed oppositions to Plaintiff's motions on July 3, 2008 [Doc. 70] and July 25, 2008 [Doc. 73].

The Court previously found that Deputy Attorney General Snyder had complied with the Court's orders that she obtain Defendant Torres' last known contact information from the California Department of Corrections and Rehabilitation ("CDCR"), and that she had provided this information to the U.S. Marshal in

1 a confidential memorandum in order to permit service to be  
2 effected upon Torres. See Doc. 66. Using the information  
3 provided by the Deputy Attorney General, the U.S. Marshal  
4 attempted service upon Defendant Torres at his last known  
5 residential address on June 9, 2008. Doc. 68. At that time, the  
6 Marshal was informed that Torres no longer owned the property,  
7 that the new property owner had purchased the property six months  
8 before, and that the new owner did not have any knowledge of  
9 Torres' whereabouts. Id. Therefore, to the extent that  
10 Plaintiff again seeks an order from the Court directing the  
11 Attorney General to obtain Torres' last known address from the  
12 CDCR, Plaintiff's request is denied.

13 Plaintiff also requests that the U.S. Marshal effectuate  
14 service upon Torres, who allegedly has criminal charges pending  
15 against him, "on his next scheduled court date or via a probation  
16 office." Doc. 71 at 1. Although an incarcerated pro se litigant  
17 proceeding *in forma pauperis* is entitled to rely on service of  
18 the summons and complaint by the U.S. Marshal, the U.S. Marshal  
19 can attempt service only after it has been provided with the  
20 necessary information to effectuate service. See, e.g., Puett v.  
21 Blandford, 912 F.2d 270, 275 (9th Cir. 1990). It is generally up  
22 to the plaintiff to provide such information. Id. Therefore,  
23 the Court denies this request.

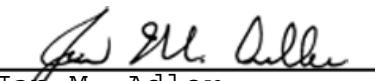
24 Finally, Plaintiff seeks information regarding whether  
25 Torres is on probation as a result of the criminal charges  
26 allegedly filed against him, and suggests that the Office of the  
27 Attorney General be ordered to provide this information to him as  
28 a "sanction" for "failing to provide adequate information" in

1 order to permit service to be effected upon Torres. The Court  
2 denies this request, and finds that no sanctions are warranted  
3 against the Attorney General's Office. Deputy Attorney General  
4 Snyder already obtained Defendant Torres' last known contact  
5 information from the CDCR and provided this information to the  
6 U.S. Marshal, in full compliance with the Court's previous  
7 orders. The Deputy Attorney General need not undertake the  
8 investigation currently requested by Plaintiff.

9 Accordingly, Plaintiff's motions requesting service upon  
10 Defendant R. Torres are **DENIED**.

11 **IT IS SO ORDERED.**

12 DATED: July 31, 2008

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14 Jan M. Adler  
U.S. Magistrate Judge

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